

REMARKS

Applicants note that all amendments and cancellations of Claims presented herein are made without acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG),¹ and without waiving the right to prosecute the amended or cancelled Claims (or similar Claims) in the future.

On June 10, 2010, Examiner Raghu and Applicants' representative, Tanya Arenson, conducted a telephone interview. During the interview, the pending rejections were discussed.

I. The Claims are Definite

The Examiner rejects Claims 1-3 under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. In particular, the Examiner states that Claim 8 is indefinite in the recitation of "derived from". Applicants respectfully disagree with the rejection. Nonetheless, in order to further the business interests of the applicants, and without acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG), and without waiving the right to prosecute the cancelled claims (or similar claims) in the future, applicants have amended Claim 1 to recite "obtained from" rather than "derived from." As such, the Applicants submit that the claims are clear and respectfully request that the rejection be withdrawn.

The Examiner further rejects Claims 8-9 and 11 as allegedly indefinite due to the phrase "lacking α -1,6-mannosyltransferase activity." Applicants respectfully disagree with the rejection. Nonetheless, in order to further the business interests of the applicants, and without acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG), and without waiving the right to prosecute the cancelled claims (or similar claims) in the future, applicants have amended Claim 8 to

remove the phrase “lacking α -1,6-mannosyltransferase activity.” As such, the Applicants submit that the claims are clear and respectfully request that the rejection be withdrawn.

II. The Claims are Enabled

The Examiner rejects Claims 4-6, 8-9 and 11-12 under 35 U.S.C. 112, first paragraph, as allegedly lacking enablement. In particular, the Examiner states that “The specification does not disclose a repeatable method to obtain a recombinant vector comprising the nucleic acid molecule of SEQ ID NO:1 deposited ...” (Office Action, pg. 5).

Applicants submit herewith copies of Budapest treaty certificates for deposit for the *Escherichia coli* DH5@/pBS-HpOCH2 and *Hansennula polyporpha* DL-1 och2 Δ strains, along with a statement that the instant invention will be irrevocably and without restriction released to the public upon the issuance of a patent. As such, applicants submit that the strains are readily available and that the enablement requirement is satisfied. Accordingly, the rejection should be withdrawn.

CONCLUSION

Should the Examiner believe that a telephone interview would aid in the prosecution of this application, the applicant encourages the Examiner to call the undersigned collect at (608) 662-1277.

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